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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/560,335	06/15/2006	Keith Vivian Alexander	0074-532837	4961

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DANN, DORFMAN, HERRELL & SKILLMAN  
1601 MARKET STREET  
SUITE 2400  
PHILADELPHIA, PA 19103-2307

EXAMINER
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DONNELLY, JEROME W

ART UNIT	PAPER NUMBER
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3764

MAIL DATE	DELIVERY MODE
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01/29/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/560,335

Applicant(s)

ALEXANDER, KEITH VIVIAN

Examiner

Jerome W. Donnelly

Art Unit

3764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 8/27/08.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) 1-35 is/are withdrawn from consideration.
- 5) ☐ Claim(s) 1-35 is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) 1-35 is/are objected to.
- 8) ☐ Claim(s) 1-35 are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 1-35 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. 1-35.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.



JEROME DONNELLY  
PRIMARY EXAMINER

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 1-35
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date 1-35
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: 1-35

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Claims 10-13 and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5-9, 14, 15, 17-23, 26-32 and 35 are rejected under 35 U.S.C. 102(b) as being anticipated by Publicover et al.

Publicover et al discloses a device comprising: a flexible mat (40) a plurality of flexible coil/spiral spring rods (39) having ends retained by a frame and coupled to a mat about a periphery.

A barrier of flexible material (100) substantially surrounding the mat above the mat and having a lower part indirectly coupled to the mat, Publicover also discloses a plurality of upright enclosure support members (44) positioning outside of the barrier relative to the mat, which inherently have a degree of resiliency, the enclosure support member support said barrier.

In regard to claim 2 and 22 Publicover discloses a net.

In regard to claim 6, note elements 108 and 134 of Publicover.

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In regard to claims 9, 20 and 29 notes that the lower end of post 44 are retained by a frame (36). The examiner also reminds the applicant that "away" has not been defined in the claim. Away is broad enough to read on upward from the mat.

In regard to claim 14, the examiner brings to applicants attention to the claim member of Publicover wherein the clamp members allow the poles (44) to be inherently height adjustable.

In regard to claim 15 and 31 Publicover discloses a net.

In regard to claims 5, 17 and 18 "away" "natural rest state" and "when have not specifically been defined enough to add patentable weight to the claim.

In regard to claims 18, 26 and 35 net not elements 108 and 134.

In regard to claim 18, "when connected" fails to positively claim a connection.

In regard to claim 19 and 28 "about the level", is broad enough to read on the device disclosed by Publicover.

The rejection of claim 21 is considered to be addressed in the combined application of the prior art above. Publicover discloses a device including a trampoline having a mat, spring rods, a barrier and upright enclosure support members as claimed.

In regard to claims 2, 23 and 32 examiner considers the rods to inherently have a degree of flexibility.

In regard to claim 27, the term fixed is so broad, so as to read on element 108 and 134.

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In regard to claim 30, the application of the prior art has been address in the combined rejections and application of the art above. The examiner further reminds the applicant that the claim limitations of "the area bounded" "is not greater than the area bonded by the mat also include an area equal to the mat".

Claims 21 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Coan et al.

Coan et al discloses the device of claims 21 and 25 in their entirety.

Coan discloses a device having a mat, spring rods, a barrier enclosure support members as claimed.

In claim 25, applicant is reminded that the limitations placed on the connection between the barrier and the enclosure support members are directed top the connection between the support members top edges. The claims do not preclude the barrier member from being connected at a lower edge to the mat.

Claims 3, 4, 16, 24 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Publicover in view of Publicover.

Publicover discloses the device of claims 4, 16, 24 and 33 substantially as claimed absent the specific teaching of protruded fiberglass rods.

Publicover 860 teaches providing poles (140) that a metal tubes or plastic or tubes.

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Although Publicover does not specifically disclose his poles of being protruded fiberglass, the examiner notes that plastic poles are extremely similar to protruded plastic and that it would have been obvious to one of ordinary skill in the art to manufacture the poles of Publicover 798 of Protruded fiberglass rods.

In regard to claims 3 and 4 the examiner notes that, often times rods, are considered as being solid.

The examiner notes that manufacture support member as solid rod would have been obvious to one of ordinary skill in the art so long and the support member flexed enough to sufficiently rebound a user when contacting the user of the device of Publicover.

The indicated allowability of claims 1-35 is withdrawn in view of the newly discovered reference(s) to Publicover (798 and 860) and Coan. Rejections based on the newly cited reference(s) follow.

Claims 1-35 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, lower end and upper end of the spring rod, fail to provide limitations which would positively orient these rods in any orientation.

In claim 1 and 14, the net has no antecedent basis in the claims.

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In the claims, containing parenthesis (), applicant should remove the parenthesis from the claims for example "(when connected ... of the trampoline)".

Any inquiry concerning this communication should be directed to Jerome Donnelly at telephone number (571)272-4975.

Jerome Donnelly

A handwritten signature in black ink, appearing to read 'Jerome Donnelly', with a stylized, cursive script.

**JERÔME DONNELLY  
PRIMARY EXAMINER**